

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

&

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

RP.No. 119 OF 2007(A)

AGAINST THE JUDGEMENT IN WA.2060/2006 DATED 12/12/2006

REVIEW PETITIONER/APPELLANT.

THE KERALA STATE TRANSPORT WORKERS
CO-OP.SOCIETY LTD. NO.T.133, S.S.KOVIL ROAD,
THAMPANOOR, THIRUVANANTHAPURAM. REPRESENTED
BY ITS SECRETARY.

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:

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1. T.M.GOVINDANKUTTY, AGED 55 YEARS,
CONDUCTOR, K.S.R.T.C. ERNAKULAM.
 2. THE KERALA STATE ROAD TRANSPORT
CORPORATION, CHIEF OFFICE AT TRANSPORT BHAVAN,
FORT, THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.
 3. THE ASSISTANT TRANSPORT OFFICER,
K.S.R.T.C. ERNAKULAM.

S.C. FOR K.S.R.T.C. SRI. K. PRABHAKARAN.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 14/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.R. RAMAN & C.N. RAMACHANDRAN NAIR, JJ.

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R.P. NO. 119/2007 IN W.A.2060/2006

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DATED THIS, THE 14TH FEBRUARY, 2007.

ORDER

Raman, J.

This is a petition seeking review of the judgment in W.A. No. 2060/2006 rendered by this Court on 12.12.2006. Petitioner is the appellant. The appeal was allowed with the following directions:

"Accordingly we dispose of the writ appeal directing the second respondent to remit to the appellant any recovered amount retained by them with interest at the same rate at which interest is charged by the appellant on the first respondent within one month from the date of production of a copy of this judgment by the appellant. The first respondent will produce details of the receipts to the second respondent for forwarding the amount with interest as above to the appellant. Whatever is the balance payable by the first respondent to the appellant would be recovered by the appellant by resorting to revenue recovery proceedings if it is authorized under Section 71 of the Revenue Recovery Act. For remittances already made by the second respondent, interest should be recovered only up to the date of payment. In the event of dispute on amount payable, the same has to be settled through arbitration provided under the Co-operative Societies Act."

It has been made clear in the operative portion of the judgment itself that if there is further dispute between the parties, the same has to be settled through arbitration. As such, if the petitioner has a case that further amounts are due and payable nothing stands in his way in seeking such remedy as is observed in the writ appeal judgment.

As such we do not find any error in the direction issued. The review petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

C.N. RAMACHANDRAN NAIR,
(JUDGE)

knc/-